

IN THE IOWA DISTRICT COURT FOR POLK COUNTY

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INTERSTATE POWER AND LIGHT COMPANY	)	CASE NO. CVCV065011
	)	
	)	
Petitioner,	)	<b>UNRESISTED AND JOINT</b>
v.	)	<b>(1) MOTION TO REMAND</b>
	)	<b>TO THE IOWA UTILITIES</b>
IOWA UTILITIES BOARD, A DIVISION OF THE DEPARTMENT OF COMMERCE, STATE OF IOWA,	)	<b>BOARD AND</b>
	)	<b>(2) MOTION FOR EXTENSION OF</b>
	)	<b>BRIEFING DEADLINES</b>
	)	
Respondent.	)	<b>*EXPEDITED RELIEF</b>
	)	<b>REQUESTED*</b>

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COME NOW the Petitioner, Interstate Power and Light Company (“IPL”) and the Respondent, Iowa Utilities Board, a division of the Department of Commerce of the State of Iowa (“the Board”), and for their Motion to Remand to the Iowa Utilities Board and Motion to Amend Briefing Deadlines respectfully states as follows:

**I. MOTION FOR REMAND**

1. IPL is a rate-regulated public utility. IPL is a wholly-owned subsidiary of Alliant Energy Corporation.
2. The Board is an administrative agency as defined in Iowa Code section 17A.2(1).
3. Iowa Code § 476.53 allows rate-regulated utilities, such as IPL, to request the Board specify advance ratemaking principles when the utility proposes to construct, lease, or own, alternate energy production facilities, which includes solar and energy storage. Iowa Code § 476.42; *See* 199 IAC 41.1.
4. On November 2, 2021, IPL filed an “Application for Advance Ratemaking Principles, Waiver of Reorganization Requirements, and Limited Waiver of Energy Adjustment

Clause Requirements” (“Application”) supported by direct testimony, pursuant to Iowa Code § 476.53 and 199 IAC Chapter 41. IPL requested that the Board specify advance ratemaking principles for total of 475 MW of solar and battery energy storage facilities to provide capacity and increase reliability for IPL’s customers. The specific projects for which IPL requested advance ratemaking principles consisted of Duane Arnold Solar I, a 50 MW solar generating facility (“DAS I”); Duane Arnold Solar II, a 150 MW solar generating facility (“DAS II) paired with a 75 MW battery energy storage system (“BESS Project”), and an additional 200 MW of solar generating facilities in Iowa (“200 MW Project”).

5. The Board held a contested case hearing on IPL’s Application on August 8-9, 2022.

6. On November 9, 2022, the Board issued a Final Order (“Final Order”) denying IPL’s Application and declining to specify advance ratemaking principles for any portion of the project.

7. On November 29, 2022, IPL filed a Motion for Reconsideration or Rehearing (“Motion for Reconsideration”) requesting that the Board reconsider its Final Order denying IPL’s Application. In the alternative, IPL requested a rehearing pursuant to 199 IAC 7.27.

8. On December 29, 2022, the Board issued an Order on Reconsideration (“Order on Reconsideration”). IPL’s Motion for Reconsideration was granted in part and denied in part. The Board denied IPL’s Motion for Reconsideration and for Rehearing for advance ratemaking principles on the 200 MW Project and the BESS Project.

9. The Board granted the Motion for Reconsideration and for Rehearing for advance ratemaking principles for DAS I (the 50 MW solar generating facility) and DAS II (the 150 MW solar generating facility) and ordered IPL to submit additional evidence to the Board.

10. On January 30, 2023, IPL submitted additional evidence to the Board as required by the Order on Reconsideration.

11. On January 30, 2023, IPL timely filed a Petition for Judicial Review pursuant to Iowa Code § 17A.19(10) alleging the Board unlawfully denied IPL's application for advance ratemaking principles for the 200 MW Project and the BESS Project. On February 24, 2023, IPL filed an Amended Petition for Judicial Review.

13. On March 23, 2023, the Court entered an order ruling IPL's judicial review of the 200 MW Project and the BESS Project should proceed before the Court. Thereafter, IPL filed its Brief in support of its Amended Petition for Judicial Review.

14. In light of current proceedings pending before the Board involving DAS I and DAS II, the Board and IPL have conferred, agree and respectfully request the Court remand to the Board for further proceedings the 200 MW Project and the BESS Project that are the subject of IPL's Amended Petition for Judicial Review. Following entry of an Order for Remand, the Board will issue an Order for third parties to provide additional submissions before July 10, 2023 and a scheduling conference will be held before the Board on July 10, 2023.

15. The Board and IPL respectfully request the proceedings related to IPL's Amended Petition for Judicial Review be stayed and IPL's Amended Petition remain on file with the Court pending resolution by the Board of proceedings related to the 200 MW Project and the BESS portions of the Project.

16. The undersigned counsel have consulted with counsel for the Iowa Utilities Association and the Office of Consumer Advocate who have confirmed they have no objection to this Motion for Remand.

## **II. MOTION FOR EXTENSION OF BRIEFING DEADLINES**

17. The Board and Intervenor's Briefs are currently due June 20, 2023. In light of this Motion for Remand and in the event this Motion for Remand is not granted, the parties respectfully request an extension of the briefing deadlines to the following:

- June 22, 2023 – IUB and Office of Consumer Advocate's Briefs
- July 7, 2023 – IPL and Iowa Utility Association's Reply Briefs
- July 14, 2023 – Hearing as currently scheduled

18. In the event an Order for Remand is entered by the Court, briefs will not be submitted by the parties and the hearing currently scheduled for July 14, 2023 will be cancelled.

19. The undersigned counsel have consulted with counsel for the Iowa Utilities Association and the Office of Consumer Advocate who have confirmed they have no objection to this Motion for Extension of Briefing Deadlines.

WHEREFORE, the Petitioner, Interstate Power and Light Company and the Respondent, Iowa Utilities Board, a division of the Department of Commerce of the State of Iowa respectfully request the Court enter an Order granting the Motion for Remand and Motion for Extension of Briefing Deadlines and order that proceedings on IPL's Amended Petition for Judicial Review be stayed and the Amended Petition will remain on file with the Court pending resolution by the Board of proceedings related to the 200 MW Project and the BESS portions of the Project and for any and all other relief the Court deems just and equitable under the circumstances.

Respectfully Submitted,

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